IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3361 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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DIPA GIRISHBHAI SHAH

Versus

LD ENGINEERING COLLEGE

Appearance:

1. Special Civil Application No. 3361 of 2001

MR ANAND L SHARMA for Petitioner No. 1

MR PR ABICHANDANI Ld. AGP for Respondent No. 1-2

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 04/09/2001

ORAL JUDGEMENT

1. Rule. Mr PR Abichandani learned AGP waives service of rule on behalf of repondents.

2. The petitioner is compelled to approach this Court for following main relief as reflected in para-7(A)

of the petition invoking the jurisdiction under Article 226 of the Constitution of India :-

> 7(A) Be pleased to issue appropriate writ, direction or order directing the respondents to make payment of arrears of remuneration as per Government Resolution dated 18.1.1999 with effect from 1.1.1999 till 12.11.2000 with interest at the current marekt rate till the date of actual payment of arrears as per aforesaid resolution;

3. I have considered the averments made in the petition and the annexures attached with it. The petitioner was appointed as System Software Operator on contract basis. She was to work in L.D. Engineering College, under the project of Post Graduate Programme in Computer Aided Structural Analysis and Design for one year on consolidated salary of Rs. 2400/ p.m. The period of contract was extended for a further period of 11 months. Meanwhile, on the request of the petitioner, the college recommended to the Director of Education for enhancement of the emoluments of the persons working on the post of Software Operator. Ultimately, the request of college was accepted by the Director of Education by enhancing the emoluments of the post from Rs. 2400/ p.m. to Rs. 5000/ p.m. with effect from 1.1.1999. This say is supported by documents which is at page 21 of the petition. Lastly, the contract was extended up to 30.4.2001. The grievance of the petitioner is that he was not paid contractual and agreed salary as per the Government Resolution by which the emolument was enhanced. Non-compliance of the Government resolution by the respondent has dragged the petitioner to approach this Court. The said Government resolution dated 10.11.2000 is at page 21 and the letter issued by the Principal of the College is at page 27 of the petition. It is strange that a person working for remuneration of Rs. 5000/ is compelled to invoke the writ jurisdiction of this Court for recovery of difference amount. The Director of Education in the college administration ought to have arranged for the payment in a reasonable period of time and could have save precious time of the court and costs of the parties under litigation.

4. There is no formal resistance and I have no hesitation in accepting the version of the petitioner as the same is supported by documents.

5. No other contentions are raised.

6. So, this petition is partly allowed. The consolidated payment of the difference of amount be made to the petitioner within three weeks from today. In the event of failure in paying the amount of arrears (amount of difference claimed) within three weeks, the petitioner will be entitled to the interest at the rate of 12% per annum from the date of the petition till realisation.

7. Rule is made absolute with no order as to costs.

(C.K. BUCH, J.)
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